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JOURNAL

OF THE

CONVENTION OF THE TERRITORY OF NEW MEXICO.

At a Convention held at the City of Santa Fe, Territory of New Mexico, composed of delegates elected by the people of the different counties, in conformity with the proclamation of Lt. COL. BEALL, Civil and Military Commandant of the Territory of New Mexico, in the absence of Lt. Col. J. M. WASHINGTON, Civil and Military Governor, the following, among other proceedings, were had.

MONDAY MORNING, September 24th, 1849.

On motion of Antonio Jose Otero, Tomas Baca was called to the chair, and James H. Quinn, Esq., was requested to act as Secretary, *pro tem.*

The roll-being called, the following gentlemen appeared and answered to their names:—

From the county of

Bernalillo—Manuel Armijo y Mestas, Ambrosio Armijo y Ortiz.

Rio Arriba—Joseph Nangle, Salvador Lucero.

San Miguel—Gregorio Vigil, Manuel Antonio Baca.

Santa Ana—Miguel Montoya, Francisco Tomas Baca.

Santa Fe—Manuel Alvarez, E. Vaudry Deroin, W. Z. Angney.

Taos—Ceran St. Vrain, Antonio Jose Martin, Antonio Leroux.

Valencia—Juan Jose Sanchez, William Curtis Skinner, Mariana Sylba, Antonio Jose Otero, Manuel Antonio Otero.

On motion of Ceran St. Vrain, the Convention proceeded to the election of President; when the roll being called, the Rev. Cura Antonio Jose Martinez, was unanimously elected President of the Convention.

On motion of Mr. Skinner, the Convention proceeded to the election of Secretary.

Mr. Skinner nominated James H. Quinn, Esq.

The roll being called, the vote stood as follows:

For J. H. Quinn—15.

For Wm. J. Pillon—4.

Mr. Quinn having received a majority of all the votes given, was declared duly elected;—was qualified, and entered upon the discharge of his duties.

On motion of Joseph Nangle, E. J. Vaughn was unanimously elected door-keeper.

On motion of Joseph Nangle, a committee of three was appointed by the chair to examine the credentials of members claiming seats in this Convention.

The President appointed said committee, Messrs. Angney, Skinner and Martinez.

On motion of Mr. Sanchez, Convention adjourned until 3 o'clock, P. M.

EVENING SESSION,—3 o'clock, p. m.

The Committee appointed to examine credentials of members claiming seats in Convention, reported the following persons as duly entitled and qualified.

From the County of

Bernalillo—Manuel Armijo y Mestas, Ambrosio Armijo y Ortiz.

Rio Arriba—Dr. J. Nangle, Salvador Lucero.

San Miguel—Gregorio Vigil, Manuel Antonio Baca.

Santa Ana—Miguel Montoya, Tomas Baca.

Santa Fe—Manuel Alvarez, Dr. E. V. Deroin, W. Z. Angney.

Taos—Ceran St. Vrain, Antonio Jose Martinez, Antonio Leroux.

Valencia—Juan Jose Sanchez, William Curtis Skinner, Mariana Sylba, Antonio Jose Otero, Manuel Antonio Otero.

On motion, the foregoing report was unanimously adopted.

Mr. Deroin offered the following resolution:

Resolved, That the vote on any question that may arise before the Convention, shall be taken by ballot, when called for by two members,

On which, the question being taken, was determined in the negative. Ayes and Nays, as follows:—

AYES—Messrs. Angney, Alvarez, Deroin, Nangle, Lucero, Martinez—6.

NAYS—Skinner, A. J. Otero, Sanchez, Sylba, M. A. Otero, A. Armijo, M. Armijo, Montoya, Baca, (*Santa Ana*,) St. Vrain, Leroux, Baca, (*San Miguel*,) Vigil—13.

Mr. St. Vrain moved that the Convention proceed to the election of a Delegate, to represent the interests of this Territory in the Congress of the United States, which was decided in the affirmative, as follows:

AYES—15.—**NAYS**—4.

Whereupon, the Convention proceeded to the election of a Delegate to the Congress of the United States.

Mr. Skinner nominated Hugh N. Smith.

The roll being called, the election resulted as follows:

For Hugh N. Smith,—Messrs. Skinner, Otero, Sanchez, Sylba, M. Otero, A. Armijo, Montoya, Baca, (*San Miguel*,) Baca, (*Santa Ana*,) Vigil, St. Vrain, Martinez, Leroux, Lucero, M. Armijo—15.

For Richard H. Weightman,—Angney, Alvarez, Deroin—3.

For Joab Houghton,—Nangle—1.

Whereupon, Hugh N. Smith was declared duly elected as Delegate of this Territory to the Congress of the U. States.

On motion of A. J. Otero, the President appointed a committee of five to report the basis of a Constitution for the government of the Territory, and instructions for the consideration of the Delegate to Congress, which was unanimously adopted.

The President appointed W. Z. Angney, Joseph Nangle, Wm. C. Skinner, Baca, (Santa Ana,) and A. J. Otero, said committee.

On motion of A. Armijo, Convention adjourned until 10 o'clock, to-morrow.

TUESDAY MORNING, 10 o'clock.

Mr. Angney presented the petition of citizens of the county of Bernalillo, protesting against the admission of A. and M. Armijo, as delegates from the county of Bernalillo, to this convention, and claiming that Antonio Sandoval and Juan Perea are entitled to seats in the convention as delegates from the county of Bernalillo, which was referred to the committee on elections.

On motion of Mr. Sanchez, Convention adjourned until 2 o'clock, P. M.

EVENING SESSION,—2 o'clock, P. M.

Mr. Skinner, from the Committee on Elections, to whom was referred the petition of citizens of Bernalillo county, made the following report:

"The majority of the Committee on Elections, to whom was referred the petition of sundry citizens of Bernalillo county, beg leave to report against the petition and protest, and in favor of the legality of the election of A. and M. Armijo as delegates from said county, and that Mr. Angney have leave to withdraw said petition."

Mr. Angney, as the minority of said committee, made a minority report in favor of A. Sandoval and J. Perea, and moved the following resolution:

Resolved, That Antonio Sandoval and Juan Perea, are entitled to seats in this convention, as delegates from the county of Bernalillo.

The question being on agreeing to said resolution, was decided in the negative, as follows:

AYES—Angney, Alvarez, Deroin, Nangle—4.

NAYS—Messrs. Vigil, Baca, (San Miguel,) Leroux, Martinez, St. Vrain, Lucero, Baca, (Santa Ana,) Montoya, M. Armijo, A. Armijo, M. A. Otero, A. J. Otero, Sylba, Sanchez, Skinner—15.

On motion of Mr. Sylba, Convention adjourned until to-morrow morning, at 9 o'clock.

WEDNESDAY, MORNING SESSION, 9 A. M., Sept. 26, 1849.

On motion of Mr. A. Armijo, it was

Resolved, That his Excellency, J. M. Washington, military and civil Gov-

ernor of this Territory, the Justices of the Supreme Court, and the Secretary of the Territory, be invited to a seat in this Convention, and that a committee of two members be appointed by the President to wait upon said gentlemen, and inform them of this resolution.

The President appointed Messrs. Ceran St. Vrain and Francisco Tomas Baca, said committee.

In compliance with the foregoing resolution, his Excellency, Gov. Washington, Hon. Joab Houghton, one of the Justices of the Supreme Court, Hon. Donaciano Vigil, Secretary of the Territory, appeared, and were escorted by said committee, Messrs. St. Vrain and Baca, to seats with the President.

A majority of the committee appointed to report the basis of a Constitution for the Territory of New Mexico, report as follows, by their Chairman, Mr. Skinner.

[See Document No. 9.]

Which report was received and placed upon the table for further consideration.

Mr. Nangle presented a minority report from same committee.

[See Document No. 10.]

Which report was received and placed upon the table.

On motion of Mr. Vigil, Convention adjourned until 4 o'clock, P. M.

EVENING SESSION,—4 o'clock, P. M.

Mr. Skinner offered the following resolution:

Resolved, That the report of the committee appointed to prepare a plan; as a basis for a Territorial Government for the Territory of New Mexico, and instructions for the government of our Delegate to Congress, and which report has already been before the Convention, be adopted; and our Delegate be, and hereby is instructed to carry out said recommendations, so far as they may be practicable in Congress; and that our said Delegate be governed by the instructions as reported.—which resolution was adopted.

On motion of Mr. Nangle, the report of the majority of the committee was taken up for consideration, and voted upon section by section, to-wit:

Article 1st agreed to,—Sections 1, 2, 3, 4, 5, 6 and 7 of article 2d agreed to.

On the adoption of section 3, article 2d, Mr. Angney moved to strike out "twenty four," and insert "twenty one." Amendment was rejected.

Section 8. Mr. Angney moved to amend by striking out all after the words, "and all those," and insert, "free white male inhabitants residing within the limits of this territory, not already citizens of the United States, but who, on the 2d day of February, 1848, were residents within the Territory of New Mexico, on such person taking an oath or affirmation before the Superior or Circuit Courts of the Territory, or before the Circuit or District Court of the United States, to renounce and adjure allegiance to every foreign Prince, Potentate, State or Sovereignty whatever,"—which amendment was unanimously adopted.

Sections 9, 10, 11 and 12, were adopted unanimously.

Section 3. Mr. Angney moved to strike out "two thirds," and insert, in lieu thereof, "a majority"—which was rejected. Ayes 3,—Nays 15.

The question then, upon the adoption of the section occurring, was determined. Ayes 15,—Nays 3.

Section 14 and 15, unanimously adopted.

Section 3, Judicial Power. Section 1st, unanimously adopted.

Section 2d. Mr. Angney moved to strike out all occurring before the words, "and who shall," and insert, in lieu thereof, "that the Supreme Court consist of four Judges; and one to be Supreme or Appellate Judge, and the other three to be District Judges, for the hearing and adjudication of law cases, and associates of the Supreme Judge in all cases of appeal,—and the Judge who tried the case shall not be allowed to sit in the Appellate Courts: which amendment was unanimously adopted, and the question being upon the adoption of the section as amended, was determined in the affirmative—Ayes 19.

Sections 3, 4 and 5, unanimously adopted.

MISCELLANEOUS.

Sections 1, 2, 3, 4, 5, 6, 7—unanimously adopted.

The remaining as reported by the majority of the committee, for the government of our Delegate in Congress, were then unanimously adopted; and

On motion of Mr. Angney, the following additional instructions were added, to-wit:

Instructions 6, 8, 9, 10, 11, 12 and 15 were adopted.

Mr. Angney moved that the sections 5, 7 and 13, of the minority report, be added as further instructions, which was rejected.

On motion of Mr. Bacal, of Santa Ana,

Resolved, That as an additional instruction, our Delegate be instructed to urge upon Congress the establishment of a Tribunal of Conciliation in all civil cases, which was adopted.

On motion of Mr. Sanchez, Don Francisco Saracino was unanimously elected Delegate to Congress, alternative to Hugh N. Smith, in case of accident or inability on the part of the latter.

On motion of Mr. Leroux,

Resolved, That the proceedings of this Convention be signed by the President and Secretary, and that at least one hundred copies be printed for the use of our Delegate and for public distribution.

On motion, Mr. Lucero, the thanks of the Delegates were tendered the officers of this Convention.

[DOCUMENT No. 9.]

The undersigned, majority of a committee, to whom was confided the highly responsible and arduous duty of preparing a plan to be recommended to Congress, as the basis upon which we desire the civil government of the territory of New Mexico to be formed, have, after giving to the subject the mature consideration which its great importance to our future welfare, as a people, merits, decided upon the following as our report, and which we respectfully submit to the convention for their approval.

Section 1. On the subject of the *Executive Power*.—We recommend that the executive power in and over New Mexico, shall be vested in a Governor—shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The governor shall reside in said territory; shall be commander-in-chief of the militia ; and shall perform the duties and receive the emoluments of superintendent of Indian affairs. He may grant pardons for offences against laws of said territory, and reprieves for offences against laws of the United States, until the decision of the President can be made known thereon. He shall commission all officers who shall be appointed to office under the laws of said territory, and see that the laws be faithfully executed. He shall, from time to time, inform the Legislative Assembly of the condition of the territory, and shall recommend all necessary measures, and may convene them on extraordinary occasions by proclamation, stating the purpose for which they were convened.

Sec. 2. That there shall be a secretary of said territory, who shall reside therein, and hold his office for four years, unless sooner removed by the President of the United States. He shall record and preserve all the laws and proceedings of the legislative assembly, hereinafter constituted, and all the acts and proceedings of the Governor in his executive department.

He shall transmit one copy of the laws and one copy of the executive proceedings, on or before the first day of December, in each year, to the President of the United States ; and at the same time, two copies of the laws to the Speaker of the House of Representatives, and the President of the Senate, for the use of Congress. And in case of the death, removal, resignation or necessary absence of the Governor from the territory, the secretary shall be, and he is hereby authorized and required to execute and perform all the powers of the governor during such vacancy or necessary absence, or, until another governor shall be duly appointed to fill such vacancy.

ATR. 2.—LEGISLATIVE POWER.

Sec. 1. We recommend that the Legislative power and authority of said territory of New Mexico, shall consist of a Governor and Legislative Assembly, which Assembly shall consist of a Counsel and House of Representatives.

Sec. 2. The House of Representatives shall consist of members to be chosen every two years by the qualified electors of the several counties, and the Legislative Council shall consist of members to be chosen every four years by the qualified electors of their respective districts.

Sec. 3. No person shall be eligible to the House of Representatives who shall not have attained to the age of 24 years, who shall not be a free male citizen of the territory of New Mexico, who shall not have been an inhabitant of the county he may be chosen to represent, at least six months preceding his election.

Sec. 4. No person shall be eligible to the Legislative Council who shall not have attained to the age of thirty years, who shall not be a free male citizen of the Territory of New Mexico, and who shall not have been an inhabitant of the district which he may be chosen to represent at least six months preceding his election, if such district shall be so long established ; but if not, then of the district or districts, from which the same may have been taken.

Sec. 5. The Legislative Council shall never be more than one third as numerous as the House of Representatives, for the election of whom, the Territory shall be divided into convenient districts, which may be altered from time to time, and new districts established as public convenience may require.

Sec. 6. The General Assembly shall divide the Territory into a convenient number of counties, and shall apportion the members of the House of Representatives among the same, according to the free male population, but the whole number of its members shall never exceed twenty-one, until otherwise directed by the Legislative Assembly.

Sec. 7. Until the Legislative power otherwise direct, the Territory of New Mexico shall retain the division of counties and districts established by the decree of the department of New Mexico, of June 17th, 1849, and they shall be represented as follows: In the House of Representatives, the county of Santa Fe shall have three members; the county of Rio Arriba, three; the county of Valencia, five; the county of Taos, three; the county of Santa Ana, two; the county of Bernalillo, two.

In the Legislative Council, the central district shall have three members; the northern district, two members; which apportionment shall continue until otherwise directed by law.

Sec. 8. All free male citizens of said Territory, who shall be residents thereof at the time of the passage of this act, shall be entitled to vote, and shall be eligible to any office at the first election, but the qualification of voters and of holding office, shall, at all subsequent elections, be prescribed by the Legislative power.

Provided, That the right of suffrage and of holding office, shall be exercised only by the citizens of the United States, and all those free white male inhabitants residing within the limits of New Mexico, not already citizens of the United States, but who, on the 2d day of February, 1848, were residents within the Territory of New Mexico, and such persons taking an oath or affirmation before the Superior or Circuit Courts of the Territory, or before the Circuit or District Court of the United States, to renounce and abjure allegiance to every foreign Prince, Potentate, State or Sovereignty, whatever.

Sec. 9. The Legislative power of the Territory shall extend to all rightful subjects of legislation, consistent with the Constitution of the U. States. No tax shall be imposed upon the property of the U. States, nor shall the lands or other property of non-residents be taxed higher than the lands on other property of residents.

Sec. 10. All the laws passed by the Legislative Assembly and Governor, shall be submitted to the Congress of the United States, and if disapproved, shall be null and of no effect.

Sec. 11. The Governor of the Territory shall order the first election for members of the Legislative Assembly, and it shall be held at such times and places, and be conducted in such manner as he shall direct.

Sec. 12. Any bill may originate in either house, and may be altered, amended or rejected, by the other house; and shall be read on three different days in each house;—and having passed both houses, shall be signed by the Speaker of the House of Representatives and the President of the Legislative Council, and presented to the Governor for his approval. If he approve the same, he shall sign it. If he disapprove the same, he shall return it, with his objections, to the house in which it originated, within six days.

Sec. 13. That House shall cause the objections to be entered at large upon its Journal, and shall reconsider the bill. If after a bill shall have been returned, and reconsidered by both Houses, it shall again pass by a vote of two thirds of each House, it shall become a law without the approval of the Governor.

If any bill shall not be returned by the Governor within six days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it; unless the Legislative Assembly, by adjournment, prevent it.

The death tax and the mandate

Sec. 14. Each House of the Legislative Assembly shall judge of the elective qualifications of its members, and make its own rules of proceedings.

Sec. 15. No person who now is, or hereafter may be a collector, or holder of public money, or assistant or deputy thereof, shall be eligible to any office of profit or trust, until he shall have accounted for, and paid over all moneys for which he may be accountable as such collector or holder, and no person who shall have directly or indirectly given any bribe to procure his election or appointment to any office, or who shall have been convicted of perjury or other infamous crime, shall be eligible to any office of honor, profit or trust, within this Territory, or shall be allowed the right of suffrage.

ART. 3.—JUDICIAL POWER.

Sec. 1. We recommend that the Judicial Power of said Territory of New Mexico, shall be vested in a Supreme Court, Circuit Courts, and such other inferior tribunals as shall be established by law.

Sec. 2. The Supreme Court shall consist of four Judges, one to be Supreme or Appellate Judge, and the other three to be District Judges, for the hearing and adjudication of law cases, and associates of the Supreme Judge in all cases of appeal: and the Judge who tried the case, shall not be allowed to sit in the Appellate Court, and who shall hold two terms of said court, in each year, at the seat of government of said Territory; and they shall hold their offices during the period of five years.

One of the Judges shall be assigned to each of the districts into which the Territory of New Mexico is now divided; and within said districts, shall hold Circuit Courts at such times and places as shall be designated by law,--and they shall respectively reside in the districts which shall be assigned them.

Sec. 3. The jurisdiction of the Supreme and Circuit Courts, and of the inferior tribunals of justice, shall be limited by law, but the said Supreme and Circuit Courts shall possess Chancery as well as common jurisdiction.

The Supreme and Circuit Courts shall appoint their own clerks; and every clerk shall hold his office at the pleasure of the court by which he shall have been appointed.

Writs of error, bills of exception, and appeals, shall be allowed in all cases from the final decisions of said Circuit Courts to the Supreme Court, under such regulations as may be prescribed by laws, but in no case removed to the Supreme Court shall trial by jury be allowed in said court.

Sec. 4. Writs of error and appeals from the final decisions of said Supreme Court shall be allowed, and may be taken to the Supreme Court of the United States in the same manner and under the same regulations as from the Circuit Courts of the U. S., when the value of the property or the amount of the controversy to be ascertained by the oath or affirmation of either party, or other competent witnesses, shall exceed the sum of one thousand dollars.

Sec. 5. And each of said Circuit Courts, shall have and exercise the same jurisdiction in all cases arising under the Constitution and laws of the U. S., as is vested in the circuit and district courts of the U. S.; and the first six days of every term of said Courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under said Constitution and laws;—and writs of error and appeal in all such cases, shall be made to the Supreme Court of said Territory, the same as in other cases.

The Clerks of the Supreme and Circuit courts shall receive such fees and compensation as shall be prescribed by law.

MISCELLANEOUS.

Section 1st: We recommend that there shall be appointed a United States District Attorney, who shall hold his office for four years, unless sooner removed by the President.

Sec. 2: There shall also be a Marshal appointed, who shall hold his office for four years, unless sooner removed by the President; and who shall execute all processes issuing from said courts, when exercising their jurisdiction as courts of the United States.

He shall be subject to the same regulations and penalties as the Marshal of the District Courts of the United States in their Territories.

Sec. 3. The Governor, Secretary of the Territory, Chief Justice, and associate Justices, Attorney and Marshal, shall be appointed by, and with the advice and consent of the Senate, appointed by the President of the United States; and shall receive such compensation and salaries as the Congress of the United States may allow.

Sec. 4: All persons appointed or elected, to any office within the Territory of New Mexico, shall, before entering upon the discharge of the duties of their offices, take an oath or affirmation to support the Constitution and laws of the United States, and faithfully demean themselves in office.

Sec. 5: A Delegate to the House of Representatives of the United States, to serve for the term of two years, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the delegates from other Territories of the United States, to said House of Representatives. And the time and places of holding and conducting said election, shall be prescribed by the Legislative Assembly.

[DOCUMENT No. 10.]

The people of New Mexico, through their representatives, assembled in convention, held in Santa Fe, give the following instructions to the delegate-elect, (Hugh N. Smith,) to the Congress of the United States:—

1st: That these instructions be strictly followed, and the matters herein set forth, without deviation by said delegate.

2d: That, in case a Territorial government may be obtained, he shall prefer it to a State government, and shall take for his grounds the late act, constituting the people of Minnesota into a Territorial Government, and shall insist upon provisions at least as favorable:—

3d: That we shall have incorporated into the ordinance, constituting a Territorial government, the following provisions:—

That the rights of citizenship be conferred on all free, white, male inhabitants, residing within the limits of this Territory, not already citizens of the U. States, but who, on the 2d day of February, 1848, were residents within the Territory of New Mexico, on such persons taking an oath, or affirmation, be-

fore the superior or circuit court of the Territory, or before the circuit or District court of the United States, to renounce and abjure every foreign prince, potentate State or sovereignty whatever.

4th : That he insist upon the establishment of a Judiciary by the constitution of four Judges, one to Be Supreme or appellate Judge, and the other three to be District Judges for the hearing and adjudication of law cases and associates of the Supreme Judge in all cases of appeal, and the Judge who tried the case, shall not be allowed to sit in the appellate court.

5th : That he shall resist the constitution of a territorial government, unless, the making of laws for our government are confined to a General Assembly, to consist of Senate and House of Representatives.

6th : That he shall define the boundaries of New Mexico as follows :— Bounded north by the Indian Territory, west by California, south by the boundary line between Mexico and the United States, and east by the State of Texas.

7th : That said delegate shall urge the establishment of a branch of the mint of the United States, in New Mexico.

8th : That he shall insist upon the permanent establishment of two regiments of troops within the Territory.

9th : That one of said regiments shall be raised, organized, and officered within this Territory, and constituted of the sturdy mountaineers and native citizens.

10th : That he shall have inserted in said Constitution a provision which shall secure the compliance with contracts between master and servant, according to the intent of the parties.

11th : That he shall urge the establishment of a fort in the heart of the Navajo country, to protect the people against the incursions and robberies of this formidable and marauding Indian tribe.

12th : That he shall have inserted in said constitution, a provision to protect the people against unjust or malicious litigation, and securing to all persons, who have a possession of land, or real estate, for twenty years, without interruption, a full and indefeasible title.

13th : But in case the obtention of a Territorial Government be not feasible, but that of a State Government be practicable, he shall accept one and proceed to its organization ; taking for his model the present Constitution of Missouri, so far as the same is applicable to our condition, and adhering strictly as may be to its provisions, under the following conditions :—

1st : That the Congress of the United States shall extend the same liberality towards us that she has to all the new States.

2d : That, as our Public Lands are comparatively worthless, and the grant of \$500,000 acres be impracticable, that said delegate insist on an equivalent in money, or at least, that the United States pay us annually \$30,000 for the period of ten years, for the purpose of sustaining such Government.

3d : That all the public lands within our limits, unless mineral lands, and salines, be devoted to the Territory for school purposes, to be disposed of and applied by the State Legislature.

4th : That the five per cent and two per cent, given by Congress, to the States, be also donated to New Mexico.

5th : That liberal applications be made for the establishment of Colleges, and common schools, and suitable institutions for the promotion of the arts and sciences.

6th : That \$100,000 be donated in lieu of public buildings, which if we were to receive a Territorial Government, Congress would be forced to expend for that purpose.

14th ; That said delegate urge the appointment of a suitable person, to be

appointed by the President, and paid at the expense of the United States, to make a geological survey within the Territory of N. Mexico.

15th : That the laws of Mexico, heretofore in force, regarding the mineral lands, and the working of the mines, be continued in force by making a Constitutional provision to that effect.

16 : That it shall be the duty of our delegate in Congress to have inserted in every organic law, made for this Territory, a provision which shall protect the people in the exercise of their relative operations and rights, and to secure the catholic population in the full and free enjoyment of all their religious rights and privileges.

17th : That the provisions that the delegate is instructed to have inserted in the Constitution of a Territorial Government, shall also be inserted in the Constitution of a State Government, in case such Government be established.

18th : That a copy of this instrument be sent to the president of the United States, and another to the House of Representatives, to be laid before Congress.

INSTRUCTIONS AS ADOPTED BY THE CONVENTION.

We, the people of New Mexico, in convention assembled, having elected a Delegate to represent this Territory, in the Congress of the United States, and to urge upon the Supreme Government a redress of our grievances, and the protection due to us as citizens of our common country, under the Constitution, instruct him as follows : That whereas, for the last three years, we have suffered under the paralyzing effects of a government undefined and doubtful in its character, inefficient to protect the rights of the people, or to discharge the high and absolute duty of every Government, the enforcement and regular administration of its own laws, in consequence of which, industry and enterprise are paralyzed, and discontent and confusion prevail throughout the land. The want of proper protection against the various barbarous tribes of Indians that surround us on every side, has prevented the extension of settlements upon our valuable public domain, and rendered utterly futile every attempt to explore or develop the great resources of the Territory. Surrounded by the Eutaws, Comanches and Apaches, on the north, east and south, by the Navijos, on the west, with Jicarillas, within our limits, and without any adequate protection against their hostile inroads. Our flocks and herds are driven off by thousands, our fellow-citizens, men, women and children, are murdered or carried into captivity. Many of our citizens of all ages and sexes are at this moment suffering all the horrors of barbarian bondage, and it is utterly out of our power to obtain their release from a condition to which death would be preferable. The wealth of our Territory is being diminished. We have neither the means nor any adopted plan by government for the education of the rising generation. In fine, with a government temporary doubtful, uncertain and inefficient in character, and in operation, surrounded and despoiled by barbarous foes, ruin appears inevitably before us, unless speedy and effectual

protection be extended to us by the Congress of the U. States. Therefore, it is
Resolved, that our Delegate to Congress is hereby instructed to urge impressively upon the Government the necessity of a properly organized and efficient Military force, competent in numbers to the entire subjection of our Indian enemies, that a part of said force should consist of a Regiment of Mounted Rangers, levied from this Territory.

Resolved, that he urge upon Congress the imperative necessity for the establishment of a sufficient fund or resources for the education of the people, that all Salines or Salt Lakes be placed in possession of the Territorial Government for the free use and benefit of the people.

Resolved, that he ask the necessary appropriations from Congress, for the erection of Territorial and county buildings, for a Library at the Capitol, for the use of the Government, for the erection of public high-ways, and the extension of Post Roads throughout the Territory.

Resolved, That he ask of Congress, the appointment of suitable persons of capacity, and practical knowledge, with necessary appropriations, to effect a careful geological survey of the Territory.

Resolved, That he ask the insertion of a clause in the Constitution of the Territory, protecting the people in their religious rights as Catholics, and prohibiting all possibility of the interference of either Military or Civil tribunals, with the rights and privileges of the Catholic Church.

That he shall define the boundaries of New Mexico, as follows: Bounded north by the Indian Territory, west by California, south by the boundary line between Mexico and the United States, and east by the State of Texas.

That he shall insist upon the permanent establishment of two regiments of troops within the territory.

That one of said regiments shall be raised, organized, and officered within this Territory, and constituted of the hardy mountaineers and native citizens.

That he shall have inserted in said Constitution a provision which shall secure to him, hence with contracts between master and servant, according to the intent of the parties.

That he shall urge the establishment of a fort in the heart of that Navajo country, to protect the people against the incursions and robberies of the formidable and marauding Indian tribe.

That he shall have inserted in said Constitution a provision to protect the people against unjust or malevolent litigation, and securing to all persons who have a possession of land, or real estate, for twenty years without interruption, a full and indefeasible title.

That the laws of Mexico, heretofore in force, regarding the mineral lands, and the working of mines, be continued in force by making a constitutional provision to that effect.

ANTONIO JOSE MARTINEZ, *President.*

JAMES H. QUINN, *Secretary.*